



RCE/1714

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
JUL 07 2003
TC 1700

In re the Application of

Mark Robert SIVIK et al.

Group Art Unit: 1714

Serial No.: 09/702,084

Examiner: P.D. Niland

Filed: October 30, 2000

For: COMPOSITIONS AND METHODS FOR USING ZWITTERIONIC POLYMERIC SUDS ENHANCERS

**SUPPLEMENTAL PETITION FOR EXTENSION
OF RESPONSE PERIOD UNDER 35 U.S.C. §41(a)(8)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant filed a Request for Continued Examination (RCE) Transmittal on June 27, 2003. Also, a check for the three month extension of time fee set forth in §1.17(a) (\$930.00) was paid on June 27, 2003 with the RCE fee in our Check No. 19752.

It is possible that a Petition for Extension of Time as a separate document was inadvertently omitted with the filing of the RCE, but the Request for Continued Examination Transmittal Form may have been stamped with a petition for an extension of time.

Applicant respectfully submits a petition for extension of time stamped on the RCE Transmittal Form is sufficient to obtain the extension of time. Moreover, in the absence of an actual petition for an extension of time, under 37 CFR 1.136(a)(3) the submission of the fee set forth in §1.17(a) is treated as a constructive petition for an extension of time. MPEP 710.02(e) states 37 CFR 1.136(a)(3) is a safety net to avoid a potential loss of patent rights for applicants who inadvertently omitted a petition, but who submitted the fee set forth in 37 CFR 1.17(a) with the reply.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fee (or credit any overpayment) for this application to Deposit Account No. 19-4375.

Respectfully submitted,

Date:

July 3, 2003

By:



Anthony P. Venturino

Registration No. 31,674

APV/kag

ATTORNEY DOCKET NO. APV31121

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.

1615 L STREET, N.W., SUITE 850

WASHINGTON, D.C. 20036

TEL. 202-785-0100 / FAX. 202-408-5200